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UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION

TIMOTHY JONES,)
) CAUSE NO.: _____
Plaintiff,)
)
vs.)
)
UNITED STATES OF AMERICA,) C O M P L A I N T
)
)
Defendant.)

COMES NOW TIMOTHY JONES and for his cause of action against the United States of America claims and alleges as follows:

I

This action arises under the Federal Tort Claims Act, 28 USC § 2671 et seq. The defendant is the United States of America.

II

The Plaintiff TIMOTHY JONES is a resident of Butte-Silver Bow County, State of Montana.

III

Plaintiff TIMOTHY JONES is a disabled United States Navy Veteran and as such was entitled to and did receive care at United States Veteran Administration Medical centers. This claim for damages is for negligent care provided to Plaintiff at the Salt Lake City VA Health Care System at Salt Lake City, Utah (Salt Lake VAMC); the VA Montana Health Care System at Fort Harrison, Montana (Fort Harrison VAMC); and the Anaconda Out-patient Clinic at Anaconda, Montana.

IV

On February 23, 2005, Plaintiff TIMOTHY JONES was admitted to the Fort Harrison VAMC for diagnosis and treatment for a fever that was likely infectious in origin. From there he was transferred to the Salt Lake VAMC on March 2, 2005. While at the Salt Lake VAMC, Plaintiff underwent a biopsy of a right lower quadrant pelvic mass on March 17, 2005. Plaintiff was transferred back to the Fort Harrison VAMC.

V

On March 23, 2005, and on March 24, 2005, tests performed at the Fort Harrison VAMC on Plaintiff TIMOTHY JONES lead to a diagnosis of a large right psoas hematoma causing "compression or stretching of femoral nerve". The prescribed treatment for his

femoral nerve condition was "time and analgesics."

VI

Plaintiff TIMOTHY JONES underwent repeat examinations and evaluations at the Fort Harrison VAMC and Anaconda Out-patient Clinic for continued and persistent loss of function of his right lower leg and severe right lower leg pain and "foot drop" due to "nerve impingement". No interventional treatment was recommended, prescribed or instituted. Plaintiff was provided only conservative care for his femoral nerve impingement condition.

VII

On August 24, 2006, Plaintiff TIMOTHY JONES finally underwent an evaluation by a neurologist at the Fort Harrison VAMC where the following assessment was made:

"Severe right femoral neuropathy secondary to iliopsas compartment syndrome/hematoma. It is 18 months since it occurred. The patient may regain some strength but I think this is relatively unlikely."

VIII

The care provided to plaintiff TIMOTHY JONES by defendant at the Salt Lake VAMC, Fort Harrison VAMC and Anaconda Out-patient Clinic was below the standard of care and constitutes medical negligence.

IX

As a direct and proximate result of Defendant's negligence Plaintiff TIMOTHY JONES has suffered serious and permanent bodily injuries for which he claims damages against the defendant for past, present and future medical expenses, mental and physical pain and suffering, loss of value of household services, and loss of enjoyment of life.

X

Plaintiff TIMOTHY JONES submitted a claim for damages to the Department of Veteran Affairs, United States of America on January 31, 2007. The claim was formally denied on August 7, 2008.

WHEREFORE plaintiff TIMOTHY JONES prays judgement against Defendant United States of America for Two Million dollars (\$2,000,000.00) to compensate him for his injuries.

DATED THIS 12th DAY OF NOVEMBER, 2008.

KNIGHT, DAHOOD, EVERETT & SIEVERS

/s/ Bernard J. Everett

BERNARD J. "BEN" EVERETT
KNIGHT, DAHOOD, EVERETT & SIEVERS
Attorney for plaintiff

CERTIFICATE OF MAILING

I hereby certify that on November 12th, 2008, a copy of the foregoing document was served on the following persons by the following means:

<u>1</u>	CM/ECF
	Hand Delivery
<u>2, 3</u>	Mail
	Overnight Deliver Service
	Fax
	E-mail

1. Clerk, U.S. District Court
2. Michael B. Mukasey
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